Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Sralla MHP, located on the west side of Sralla Road approximately 1,750 feet north of the intersection of Farm-to-Market Road 1942 and Sralla Road, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 16, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,285

Amount Deferred for Expedited Settlement: \$1,857 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$218
Total Due to General Revenue: \$7,210

Payment Plan: 35 payments of \$206 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: May 25, 2011

Date(s) of NOE(s): July 21, 2011

Violation Information

- 1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating solids and grease balls were being discharged over the clarifier weirs; the chlorine contact basin contained seven inches of sludge in a total water depth of nine feet and floating solids were noted in the chlorine contact basin [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014500001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)].
- 2. Failed to submit complete and accurate sludge data. Specifically, the Respondent reported that sludge was disposed of by "other method" between August 2009 and July 2010, however, the sludge disposal records indicated that the sludge was disposed of by "land application" [TPDES Permit No. WQ0014500001, Sludge Provisions and 30 Tex. ADMIN. CODE § 305.125(11)(B) and (C)].
- 3. Failed to provide the required alarm system. Specifically, the on-site lift station did not have a functional audio/visual alarm [TPDES Permit No. WQ0014500001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 317.3(e)(5)].
- 4. Failed to comply with permitted effluent limits. Specifically, grab samples collected during the May 25, 2011 investigation indicated a chlorine residual of 0.0 milligrams per liter ("mg/L") and total suspended solids of 146 mg/L. The permitted limits for minimum chlorine residual single grab samples and for total suspended solids are 1.0 mg/L and 60 mg/L, respectively [TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 Tex. Admin. Code § 305.125(1), and Tex. WATER CODE § 26.121(a)].
- 5. Failed to maintain records and make them readily available for review upon request by a TCEQ representative. Specifically, the Quality Assurance/Quality Control records for the contract laboratory and for the chlorine meter were not available for review for the reporting period of April 2010 to April 2011 [TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 3 and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(c)].
- 6. Failed to prevent an unauthorized discharge of sludge from the Facility into or adjacent to water in the state. Specifically, during the May 25, 2011 investigation, sludge was noted floating in the receiving stream up to 63 feet upstream and up to 136 feet downstream of the outfall [TPDES Permit No. WQ0014500001, Effluent Limitations

and Monitoring Requirements No. 4 and Permit Conditions No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].

7. Failed to accurately complete and timely submit the monthly discharge monitoring reports ("DMRs") by the 20th day of the following month. Specifically, the DMRs for the months of June 2010, July 2010, and January 2011 were submitted late and the maximum concentration for dissolved oxygen was incorrectly reported on the April 2011 DMR [TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Facility:

- a. By May 27, 2011, replaced a cracked fitting on an air line at the chlorine contact chamber and added chlorine tablets, and returned to compliance with total suspended solids and chlorine residual permitted limits based on the measures taken;
- b. By June 7, 2011, removed and properly disposed of all accumulations of sludge in the receiving stream;
- c. By June 15, 2011, replaced the alarm system at the on-site lift station;
- d. By July 6, 2011, submitted a revised 2010 sludge report to the TCEQ Compliance Monitoring Team; and
- e. By July 29, 2011:
- i. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished;
- ii. Pumped the sludge in the chlorine contact basin into the digester and began maintaining sludge at the Facility at a minimum by pumping the sludge twice per week;
- iii. Began maintaining all required records at the Facility; and
- iv. Submitted revised monthly DMRs for the months of June 2010, July 2010, January 2011, and April 2011.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Robert Jarvis, Managing Partner, Forestaire Estates, 122 Maison Rue,

Vicksburg, Mississippi 39180 **Respondent's Attorney:** N/A

Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 25-Jul-2011 Screening 25-Jul-2011 PCW 27-Jul-2011 **EPA** Due RESPONDENT/FACILITY INFORMATION Respondent Robert Jarvis d/b/a Forestaire Estates Reg. Ent. Ref. No. RN104090998 Major/Minor Source Minor Facility/Site Region 12-Houston CASE INFORMATION Enf./Case ID No. 42138 No. of Violations 7 Order Type 1660 Docket No. 2011-1284-MWD-E Government/Non-Profit No Media Program(s) Water Quality Enf. Coordinator Jorge Ibarra, P.E. Multi-Media EC's Team Enforcement Team Maximum \$10,000 Admin. Penalty \$ Limit Minimum Penalty Calculation Section \$8,500 TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 30.0% Enhancement \$2,550 Enhancement for two NOVs with same/similar violations, five NOVs with dissimilar violations, and two months of self-reported effluent violations. Subtotal 4 \$0 0.0% Enhancement Culpability No The Respondent does not meet the culpability criteria. Notes Subtotal 5 \$1,765 Good Faith Effort to Comply Total Adjustments 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts Capped at the Total EB \$ Amount \$24 Approx. Cost of Compliance \$4,079 \$9,285 SUM OF SUBTOTALS 1-7 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes

Deferral offered for expedited settlement.

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

\$9,285

\$9,285

-\$1,857

\$7,428

Screening Date 25-Jul-2011

Docket No. 2011-1284-MWD-E

Respondent Robert Jarvis d/b/a Forestaire Estates

Case ID No. 42138

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet
>> Compliance History Site Enhancement (Subtotal 2)

Component		Enter Number Here	71111111
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	5	10%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	O	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	Ó	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Adults	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	7
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
Other eat Violator (Participation in a voluntary pollution reduction program Early compliance with, or offer of a product that meets future state or federal government environmental requirements Adjustment Persubbtotal 3)	No centage (Sul	0%
No	Adjustment Per	centage (Sul	btotal 3
apliance Histo	ry Person Classification (Subtotal 7)		
Average Pe	rformer Adjustment Per	centage (Sul	btotal 7
npliance Histo	ry Summary		
Compliance History	Enhancement for two NOVs with same/similar violations, five NOVs with dissimilar two months of self-reported effluent violations.	r violations, and	d l

Screening Date		3
Responden Case ID No	Robert Jarvis d/b/a Forestaire Estates	Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No		revision deliber 30, 2000
Media (Statute		
Enf. Coordinato Violation Numbe		
Rule Cite(s		
Violation Description	Failed to ensure that the Facility and all of its systems of co disposal are properly operated and maintained. Specifical grease balls were being discharged over the clarifier weirs basin contained seven inches of sludge in a total water d floating solids were noted in the chlorine cont	ly, floating solids and , the chlorine contact epth of nine feet and
		Base Penalty \$10,000
>> Environmental, Prope	rty and Human Health Matrix	
Release	Harm	
OR Actua		
Potentia	X Percei	nt 10%
>>Programmatic Matrix	Major Moderate Minor	
Falsification	Major Moderate Minor Percei	nt 0%
h		
	sure that Facility components are properly operated and male ne release of significant amounts of pollutants as a result of the	
<u> </u>	Adjustme	s9,000
		\$1,000
Violation Events		\$1,000
Number of	Violation Events 1 65 Numbe	r of violation days
	daily	
	weekly	
mark only one	monthly	olation Base Penalty \$1,000
with an x	semiannual	:
	annual single event	
p=0.202.00		
One qua	terly event is recommended, from the investigation date of M	ay 25, 2011 to the
	screening date of July 25, 2011.	termination and the second
Good Faith Efforts to Con	ply 10.0% Reduction	\$100
4.55.55.55.55.55.55.55.55.55.55.55.55.55	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary ×	
	N/A ((mark with x)	
	Notes The Respondent achieved compliance by Jul for this violation.	y 29, 2011
	<u> </u>	Violation Subtotal \$900
Parada parada (PR) 4-	this sintation.	tory Limit Test
Economic Benefit (EB) for	Pro	
Estima	territorio de la constanta de	n Final Penalty Total \$1,200
	This violation Final Assessed Penalty	(adjusted for limits) \$1,200

Reg. Ent. Reference No. Media Violation No.	Water Quality			***********	55555555555555555555555555555555555555	Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	50	\$0	\$0
Buildings				0.00	\$0	50	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	17/3	\$0
Record Keeping System			***************************************	0.00	\$ 0	r/a	\$0
Training/Sampling				0.00	\$Ü	1/3	\$0
Remediation/Disposal				0.00	\$0	f2/E	\$0
Permit Costs				0.00	\$0	1/8	\$0
Other (as needed)	\$1,000	25-May-2011	20 3 2044	0.40			\$9
Notae for DELAYED costs	Estimated co	st to pump the sli	udge in the chic			n/a ne digester and begi er week. Date requ	n maintaining
Notes for DELAYED costs	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine co mping final da	ontact basin into the the sludge twice p ate is the date of c	ne digester and begi er week. Date requ ompliance.	n maintaining ired is the
Avoided Costs	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine co mping final da enterio	ontact basin into the the sludge twice pate is the date of cong item.	ne digester and begi er week. Date requ ompliance. for one-time avoic	n maintaining ired is the led costs)
Avoided Costs	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine co mping final da enteria 0.00	ontact basin into the the sludge twice pate is the date of congleten (except)	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0	n maintaining ired is the led costs) \$0
Avoided Costs Disposal Personnel	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine co mping final da enterii 0.00	ontact basin into the sludge twice pate is the date of conglitem (except) \$0 \$0	ne digester and begi er week. Date requ ompliance. For one-time avoic \$0 \$0	n maintaining ired is the led costs) \$0. \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine co mping final da enteria 0.00 0.00	ontact basin into the sludge twice pate is the date of congliters (except \$0 \$0 \$0	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0 \$0 \$0	n maintaining ired is the led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine co mping final da enterio 0.00 0.00 0.00	ontact basin into the sludge twice pate is the date of congline is the date of congline is the state of congline is the s	ne digester and begi er week. Date requ ompliance. for one-time avoic \$0 \$0 \$0 \$0	n maintaining led is the led costs) \$0. \$0. \$0. \$0.
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine comping final date of the comping final date of the compine	ontact basin into the sludge twice pate is the date of congliters (except \$0 \$0 \$0 \$0 \$0 \$0	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	n maintaining ired is the led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine comping final da enterio 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ontact basin into the sludge twice pate is the date of conglitem (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	n maintaining red is the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine comping final date of the comping final date of the compine	ontact basin into the sludge twice pate is the date of congliters (except \$0 \$0 \$0 \$0 \$0 \$0	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	n maintaining ired is the led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine comping final da enterio 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ontact basin into the sludge twice pate is the date of conglitem (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	n maintaining red is the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine comping final da enterio 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ontact basin into the sludge twice pate is the date of conglitem (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	n maintaining red is the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co sludge a	ost to pump the sli t the Facility at a i investig	udge in the chlo minimum by pu ation date and	orine comping final da enterio 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ontact basin into the sludge twice pate is the date of conglitem (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne digester and begi er week. Date requ ompliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	n maintaining red is the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
Respondent Case ID No.		Revision 2 (September 2002) W Revision October 30, 2008
Reg. Ent. Reference No.		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Media (Statute)	Water Quality	,
Enf. Coordinator	Jorge Ibarra, P.E.	
Violation Number Rule Cite(s)		
	TPDES Permit No. WQ0014500001, Sludge Provisions and 30 Tex. Admin. Code 305.125(11)(B) and (C)	9
-		
	Failed to submit complete and accurate sludge data. Specifically, the Responde	nt
Violation Description	reported that sludge was disposed of by "other method" between August 2009 a July 2010, however, the sludge disposal records indicated that the sludge was	and
	disposed of by "land application".	
	Base Pen	alty \$10,000
	to and Bours Bartin Matrix	
>> Environmental, Proper	ty and Human Health Matrix Harm	
Release	Major Moderate Minor	
OR Actual Potential		

>>Programmatic Matrix Falsification	Major Moderate Minor	A
	X Percent 1%	
(Tarabanana and Tarabana and Tarabanana and Taraba		
Matrix Handing Street	More than 70% of the rule requirement was met.	
Notes		
-	Adjustment \$9,	900
		\$100
Violation Events		
Number of '	Violation Events 1 331 Number of violation days	Transmission services
	dally	
	weekly monthly	TARRET FARE
mark only one with an x	quarterly Violation Base Pen	alty \$100
WG/ 5// A	semiannual	
	annual x single event x	
	•	
	One single event is recommended.	
		summan.
Good Faith Efforts to Com	ply 25.0% Reduction	\$25
COOG Taltil Ellorts to Colli	Before NOV NOV to EDPRP/Settlement Offer	3333333 3
	Extraordinary	*
	Ordinary x (mark with x)	
	The Respondent achieved compliance by July 6, 2011 for	
	Notes this violation.	
	Violation Subt	otal \$75
Economic Benefit (EB) for	this violation Statutory Limit Tes	L
	ed EB Amount \$1 Violation Final Penalty T	otal \$105
Latinat		
	This violation Final Assessed Penalty (adjusted for lim	nra): \$103

	E	conomic	Benefit	Wo	rksheet		
Respondent	Robert Jarvis	d/b/a Forestaire E	states				
Case ID No.							
eg. Ent. Reference No.	RN104090998	3					
. Media	Water Quality					Percent Interest	Years of
Violation No.						rentent miceseat	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	50	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	<u> </u>
Land				0.00	\$0	n/a	<u>\$0</u>
Record Keeping System				0.00	<u>\$0</u>	n/a	<u> </u>
Training/Sampling				0.00	<u>\$0</u>	n/a	<u>\$0</u>
Remediation/Disposal			***************************************	0.00	<u>\$0</u>	n/a	<u> </u>
Permit Costs Other (as needed)	\$25	1-Sep-2010	6-Jul-2011	0.00	\$0 \$1	n/a n/a	\$0 \$1
Notes for DELAYED costs	Estimated c required	ost to accurately parties is the date the re	repare and sul port was due a	omit a r nd fina	evised sludge repo I date is the date r	ort (\$25 per sludge evised report was s	report). Date ubmitted.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterii	ng item (except i	or one-time avoid	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
ection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	<u>\$0</u>
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	<u>\$0</u>
Other (as needed)				0.00	\$0	<u> 50 l</u>	<u>50</u>
No. 4 - 4 - 4 - 10 - 10 - 10 - 10 - 10 - 10							
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$25			TOTAL		\$1

	ening Date		angan and personal medical section and and and and personal medical compartment and		No. 2011-1284-		PCW
		Robert Jarvis d/	b/a Forestaire	e Estates			islon 2 (September 2002)
Reg. Ent. Re	Case ID No. ference No.					PCVV F	Revision October 30, 2008
	ia [Statute]						
		Jorge Ibarra, P.	E.				
	ation Number						===
	Rule Cite(s)	TPDES Permit		500001, Operationa		o, 1 and 30 Tex.	
				Admin. Code § 317.	3(e)(5)		=
Violatie	on Description	Failed to provi		ed alarm system. Sp		ite lift station did	
Aioiacic	m Description		not hav	ve a functional audio	/visual alarm.		
	1	Leonarda de la composición de la compo	<u>SCHOOLISCHTAANAAA</u>			Base Penalty	≝ / \$10,000
						Dasc Fenant	710,000
>> Environme	ntal, Proper	ty and Humi	an Health Harm	Matrix			
	Release	Major	Moderate	Minor			
OR	Actual Potential				Percent	10%	
	rotential	<u> </u>	X[Percent	10 /0	
>>Programma							
	Falsification	Major I	Moderate	Minor	Percent	0%	
	L	<u> </u>					a
	-	. 14- 16	d -3-224 - (***	m could result in the	a ralazea af elanifi	eant permitte of	
Matrix Notes	Failure to pro	vide the require		in coold result in the a result of the viola		carre amounts of	
	L						
					Adjustment	\$9,000	7
34444444444444							\$1,000
						anne en nomen eurisin en inicialistististististististististististististi	\$1,000
Violation Even	ls						
	Number of V	iolation Events		21	Number of vi	olation days	
					e)companies.d		
		daily weekly	******				
		mentaly [
	mark only one with an x	quarterly	X		Violatio	on Base Penalty	\$1,000
		semiannual annual					E .
		single event					
			***************************************				1
	One quarteri	y event is recom		n the May 25, 2011 i compliance date.	nvestigation date	to the June 15,	
			2011:1	compliance dete.			
Good Faith Effo	orts to Comp	oly [25.0%	Reduction			\$250
		·	Before NOV	NOV to EDPRP/Settlemer	nt Offer		
		Extraordinary					
		Ordinary N/A	X	(mark with x)			
				lent achieved compli	ance hy Tune 15	2011	
		Notes	rric respond	for this violat			
		<u>L</u>					
		,			Vic	olation Subtotal	\$750
Economic Bene	fit (EB) for	this violatio	n		Statutory	Limit Test	
	Estimate	d EB Amount		\$1]	Violation Fin	al Penalty Total	\$1,050
1111			This viol	ation Final Assess	ed Penalty (adiu	sted for limits)	\$1,050
					-, ,, ,	/	

Violation No.	Water Quality					Percent Interest	Years of Depreciation
violation no.	ŭ.					5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						research and property and a second
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings		1.0		0.00	\$0	\$0	50
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	50	\$0
Land				0.00	\$0	r/a	\$0
Record Keeping System	***************************************			0.00	\$0	F/8	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
			***************************************		***************************************		
Permit Costs Other (as needed)	\$466	25-May-2011		0.00 0.06	\$0 \$1	r/a r/a	\$0 \$1
			m system at the	0.06 on-sit	\$1	r/a required is the inve	
Other (as needed) Notes for DELAYED costs	Actual cost t	o replace the alarr	m system at the and final date	0.06 on-sit is the	\$1 e lift station. Date date of complianc	n/a required is the inve	\$1 stigation date
Other (as needed) Notes for DELAYED costs Avoided Costs	Actual cost t	o replace the alarr	m system at the and final date	0.06 on-sit is the	\$1 e lift station. Date date of compliance ing item (except	r/a required is the inve	\$1 stigation date
Other (as needed) Notes for DELAYED costs	Actual cost t	o replace the alarr	m system at the and final date	0.06 on-sit is the	\$1 e lift station. Date date of complianc	required is the inve e. for one-time avoid	\$1 stigation date led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Actual cost t	o replace the alarr	m system at the and final date	0.06 con-sit is the entering	\$1 e lift station. Date date of complianc ig item (except \$0	required is the inve e. for one-time avoid \$0	\$1 stigation date led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Actual cost t	o replace the alarr	m system at the and final date	0.06 con-sit is the content of the c	\$1 e lift station. Date date of compliance ng item (except \$0 \$0	required is the inve e. for one-time avoid \$0 \$0 \$0 \$0	\$1 stigation date led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Actual cost t	o replace the alarr	m system at the and final date	0.06 con-sit is the entering 0.00 0.00 0.00 0.00 0.00	\$1 e lift station. Date date of compliance ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the inve e. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$1 stigation date ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Actual cost t	o replace the alarr	m system at the and final date	0.06 on-sit is the enterior 0.00 0.00 0.00 0.00 0.00	\$1 e lift station. Date date of compliance of sompliance	required is the inve e. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$1 stigation date sed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Actual cost t	o replace the alarr	m system at the and final date	0.06 con-sit is the entering 0.00 0.00 0.00 0.00 0.00	\$1 e lift station. Date date of compliance ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the inve e. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$1 stigation date ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Actual cost t	o replace the alarr	m system at the and final date	0.06 on-sit is the enterior 0.00 0.00 0.00 0.00 0.00	\$1 e lift station. Date date of compliance of sompliance	required is the inve e. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$1 stigation date stigation date stigation date stigation date stigation date

? (September 2002)	25-Jul-2011 Docket No. 2011-1284-MWD-E	
a Detender 20 7000		Respondent Case ID No.
n October 30, 2008		Reg. Ent. Reference No.
		Media [Statute]
		Enf. Coordinator
		Violation Number
	TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)	Rule Cite(s)
	Failed to comply with permitted effluent limits. Specifically, grab samples collected during the May 25, 2011 investigation indicated a chlorine residual of 0.0 milligrams per liter ("mg/L") and total suspended solids of 146 mg/L. The permitted limits for minimum chlorine residual single grab samples and for total suspended solids are 1.0 mg/L and 60 mg/L, respectively.	Violation Description
\$10,000	Base Penalty	
	ty and Human Health Matrix	> Environmental, Proper
	Harm	
	Major Moderate Minor X	Release Actual
	Percent 25%	Potential
	Major Moderate Minor	>Programmatic Matrix Falsification
	Percent 0%	
	or the environment has been exposed to significant amounts of pollutants which do	Matrix Human health
	ceed levels that are protective of human health or environmental receptors.	Notes not ex
	Adjustment \$7,500	
±2 500		
\$2,500		
\$2,500		olation Events
\$2,500	Violation Events 1 2 Number of violation days	
\$2,500	Violation Events 1 2 Number of violation days	
\$2,500	daily	
\$2,500	daily Control of the	
\$2,500 \$2,500	daily weekly monthly	Number of \ mark only one
	dally weekly monthly x	Number of \
	dally weekly monthly quarterly semiannual annual	Number of \ mark only one
	daily weekly monthly quarterly semiannual daily Violation Base Penalty	Number of \
	dally weekly monthly quarterly semiannual annual single event	Number of \
	dally weekly monthly quarterly semiannual annual	Number of \ mark only one
	dally weekly monthly quarterly semiannual annual single event	Number of \
	daily weekly monthly quarterly semiannual annual single event One monthly event is recommended.	Number of \ mark only one with an x
\$2,500	daily weekly monthly quarterly semiannual annual single event One monthly event is recommended, One monthly event is recommended, 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	Number of \ mark only one with an x
\$2,500	daily weekly monthly quarterly semiannual annual single event One monthly event is recommended. One monthly event is recommended. Sity 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary	Number of \ mark only one with an x
\$2,500	daily weekly monthly quarterly semiannual annual single event One monthly event is recommended, One monthly event is recommended, 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	Number of \ mark only one with an x
\$2,500	daily weekly monthly quarterly semiannual annual single event One monthly event is recommended. One monthly event is recommended. Sity 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) The Respondent achieved compliance by May 27, 2011	Number of \ mark only one with an x
\$2,500	daily weekly monthly quarterly semiannual annual single event One monthly event is recommended. One monthly event is recommended. Extraordinary Ordinary X Violation Base Penalty	Number of \ mark only one with an x
\$2,500 \$625	daily weekly monthly quarterly semiannual annual single event One monthly event is recommended. One monthly event is recommended. One monthly event is recommended. Extraordinary Ordinary Ordinary N/A Notes The Respondent achieved compliance by May 27, 2011 for this violation.	Number of \ mark only one with an x
\$2,500	dally weekly monthly quarterly semiannual annual single event One monthly event is recommended. One monthly event is recommended. One monthly event is recommended. Extraordinary Ordinary N/A (mark with x) The Respondent achieved compliance by May 27, 2011	Number of \ mark only one with an x
\$2,500 \$625	dally weekly monthly quarterly semiannual annual single event One monthly event is recommended.	Mumber of Number
\$2,500 \$625 \$1,875	daily weekly morthly x quarterly semiannual annual single event One monthly event is recommended. One monthly event is recommended. One monthly event is recommended. Dity 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary x (mark with x) Notes The Respondent achieved compliance by May 27, 2011 for this violation. Violation Subtotal this violation Statutory Limit Test	Number of \ mark only one with an x cood Faith Efforts to Comp
\$2,500 \$625	dally weekly monthly quarterly semiannual annual single event One monthly event is recommended.	ood Faith Efforts to Com

	Water Quality					Percent Interest	Years of
Violation No.	4					F 0	Depreciation
	Item Cost	Date Required	Final Date	Vec	Interact Savad	5.0 Onetime Costs	15 EB Amount
Item Description			i mai Date		anterest buveo	Oncome costs	
	ivo commas or a						EEEEEEEEEEEEEEE
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<u>\$0</u>
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	0/3	<u>\$0</u>
Record Keeping System				0.00	\$0	n/e	<u>\$0</u>
				0.00	\$0	n/a	\$0
Training/Sampling	***********************						·
Remediation/Disposal				0.00	\$0	r/2	<u>\$0</u>
Remediation/Disposal Permit Costs Other (as needed)	\$38 Actual cost	25-May-2011 to replace a crack		0.00 0.00 0.01	\$0 \$0 \$0	n/a 5/3 11/a	\$0 50
Remediation/Disposal Permit Costs	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.00 0.01 air line tion da	\$0 \$0 \$0 at the chlorine coate and final date i	n/a h/a h/a n/a n/a ontact chamber and s the date of compli	\$0 \$0 add chlorine ance.
Remediation/Disposal Permit Costs Other (as needed)	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.00 0.01 air line tion da	\$0 \$0 \$0 at the chlorine coate and final date in	n/a h/a h/a n/a n/a ntact chamber and s the date of compli for one-time avoic	\$0 \$0 add chlorine ance.
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.00 0.01 air line tion da nterii 0.00	\$0 \$0 \$0 at the chlorine co ate and final date in ig item (except) \$0	n/a n/a n/a n/a n/a ontact chamber and s the date of compli for one-time avoid \$0	\$0 \$0 add chlorine ance.
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.00 0.01 air line tion da enterii 0.00 0.00	\$0 \$0 \$0 at the chlorine co ate and final date i ng item (except \$0 \$0	n/a n/a n/a ntact chamber and s the date of compli for one-time avoid \$0 \$0	\$0 \$0 add chlorine ance.
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.01 0.01 air line tion da enterii 0.00 0.00 0.00	\$0 \$0 \$0 at the chlorine content and final date in the second final date in the second	n/a h/a h/a ntact chamber and s the date of compli for one-time avoid \$0 \$0 \$0	\$0 \$0 add chlorine ance. fed costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.01 0.01 air line tion da cnterin 0.00 0.00 0.00 0.00	\$0 \$0 \$0 at the chlorine coate and final date in ig item (except) \$0 \$0 \$0 \$0	n/a n/a n/a n/a nntact chamber and s the date of compil for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 add chlorine ance. fed costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.00 0.01 air line tion da enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$0 at the chlorine country the stand final date in the stand final date	n/a n/a n/a n/a ontact chamber and s the date of compli for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 add chlorine ance. ied costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Actual cost tabl	to replace a crack ets. Date required	ed fitting on an is the investiga	0.00 0.01 0.01 air line tion da cnterin 0.00 0.00 0.00 0.00	\$0 \$0 \$0 at the chlorine coate and final date in ig item (except) \$0 \$0 \$0 \$0	n/a n/a n/a n/a nntact chamber and s the date of compil for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 add chlorine ance. fed costs) \$0 \$0 \$0 \$0

Screening Dat			PCW
Responder Case ID No	Robert Jarvis d/b/a Forestaire Estates	Policy Revision 2 (Septemb PCW Revision October	
Reg. Ent. Reference No		PCW REVISION OCCUBER	30, 2000
Media [Statute] Water Quality		
Enf. Coordinate			
Violation Number Rule Cite(s		Principles of the Control of the Con	
Nuit dite(TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirement and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(c)	nts No. 3	
1	Failed to maintain records and make them readily available for review upo	a raciant	
Violation Description	hy a TCFO representative. Specifically, the Quality Assurance/Quality C	Control were not	
	Base	e Penalty	\$10,000
>> Environmental, Prop	erty and Human Health Matrix		
	Harm		
OR Releas			
Potenti			
>>Programmatic Matrix			
Falsification			
	X Percent 10%		
 		~~~~~	
Matrix Notes	100% of the rule requirement was not met.	-	
Notes			
	Adjustment	\$9,000	
			\$1,000
			91,000
Violation Events			
Number o	Violation Events 1 484 Number of violation of	ays	
	daily		
	monthly		
mark only one with an x	quarterly Violation Base	Penalty	\$1,000
with Bit X	semiannual		
	single event x		
	· · · · · · · · · · · · · · · · · · ·		
	One single event is recommended.		
Good Faith Efforts to Cor	10.0% Reduction		\$100
GOOD PAILII EITOI IS IO GOI	Before NOV NOV to EDPRP/Settlement Offer	<u></u>	
	Extraordinary		
	Ordinary X		
	N/A (mark with x)		
	Notes The Respondent achieved compliance by July 29, 2011 for this violation.		
	Violation	Subtotal	\$900
Economic Benefit (EB) fo	r this violation Statutory Limit	Test	
			#1 30C
Estima	ted EB Amount \$2 Violation Final Pena	5	\$1,200
	This violation Final Assessed Penalty (adjusted fo	r limits)	\$1,200

	RN104090998 Water Quality					Percent Interest	Years of Depreciation
Violation No.	5					5.0	Depreciación 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		•					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	50	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/construction				0.00	\$0	\$0	\$0 \$0
Land				0.00	\$0 \$2	<u>r/a</u>	50 \$2
Record Keeping System	\$200	25-May-2011	29-Jul-2011	0.18	\$ <u>2</u> \$0	n/a n/a	<u>>∠</u> \$0
Training/Sampling		<u> </u>	****************	0.00	\$0	r/a	
Remediation/Disposal Permit Costs	***************************************	{		0.00	\$0	r/e	\$0
Other (as needed)	222222222222222222222222	ļ	***************************************	0.00	50 50	r/a	<u>\$0</u>
Notes for DELAYED costs	make then				est by a TCEQ repr ate is the date of c	esentative. Date rei ompliance.	quirea is the
						for ana-tima suair	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before e		ng item (except		
Avoided Costs Disposal	ANNUAL	IZE [1] avoided	costs before e	0.00	\$0	\$0	\$0
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before e	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel spection/Reporting/Sampling	ANNUAL	ZE [1] avoided	costs before c	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	costs before e	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided	costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Scre	ening Date	25-Jul-2011 Docket No. 2011-1284-MWD-E	PCW
			ilon 2 (September 2002)
	Case ID No.		evision October 30, 2008
Reg. Ent. Re			A
	a [Statute]		Addition
		Jorge Ibarra, P.E.	***************************************
Viol	ation Number Rule Cite(s)	8 1	
	Ruie Cite(s)	TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring	
		Requirements No. 4 and Permit Conditions No. 2.d., 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)	
		303.123(1), Bild 1CX. Water Code 3 20.123(0)	Mary Mary Mary Mary Mary Mary Mary Mary
		Failed to prevent an unauthorized discharge of sludge from the Facility into or	
Violatio	n Description	adjacent to water in the state. Specifically, during the May 25, 2011 investigation,	
Violatio	ni bescription	sludge was noted floating in the receiving stream up to 63 feet upstream and up to	There is a
		136 feet downstream of the outfall.	
		Base Penalty	\$10,000
>> Environme	ntal. Proper	y and Human Health Matrix	
		Harm	
	Release	Major Moderate Minor	
OR	Actual	X	
	Potential	Percent 25%	
>>Programma	tic Matriv		
~~ r i v9i minin	Falsification	Major Moderate Minor	
		Percent 0%	
			1
Matrix	Human health	or the environment has been exposed to significant amounts of pollutants as a result of the violation.	
Notes		of the words of the second of	
			٠.
		Adjustment \$7,500	
			\$2,500
			\$2,500
Violation Event	S		
		p	
	Number of V	olation Events 1 13 Number of violation days	
		4-113	
		daily weekly	
		monthly x	
	mark only one	quarterly Violation Base Penalty	\$2,500
	with an x	semiannual	
		annual	
		single event	
	processories de la constant		
	One monthl	y event is recommended from the investigation date of May 25, 2011 to the date	
		cleanup was completed on June 7, 2011.	
Good Faith Effo	orts to Comp	ly 25.0% Reduction	\$625
		Before NOV NOV to EDPRP/Settlement Offer	
		Extraordinary	
transcent of		Ordinary x	
		N/A (mark with x)	all to me
		The Respondent achieved compliance by June 7, 2011 for	
ANN /		Notes this violation.	
			APR 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		Violation Subtotal	\$1,875
1			
Economic Bene	fit (EB) for 1	his violation Statutory Limit Test	
			\$2,625
	Estimate	d EB Amount \$4 Violation Final Penalty Total	32,023
		This violation Final Assessed Penaity (adjusted for limits)	\$2,625

	E	conomic I	Benefit	Wo	rksheet		
Respondent Case ID No.	Robert Jarvis	d/b/a Forestaire E	802314930088100308111411081	1004467046164			
lea. Ent. Reference No.		.					
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
	. 0					5.0	15
	Item Cost	Date Required	Final Date	Vee	Interact Cavad	Onetime Costs	EB Amount
			Tillal Date	,,,	michical Jurco	Oncumo coses	LU Auun.
Item Description	No commas or \$						
Delayed Costs Equipment				T 0.00	\$0	\$0	so.
Equipment Buildings				0.00	\$0 \$0	\$0	
Other (as needed)	************	-		0.00	\$0 \$0	\$0	\$0
	*******************			0.00	<u> </u>	\$0	<u> </u>
Engineering/construction Land	***************************************			0.00	\$0 \$0	6.8	\$0 \$0
	***************************************	-		0.00	30 \$0	n/a	<u> </u>
Record Keeping System	************	-		0.00	s0	6/0	\$ 0
Training/Sampling	\$2,000	25-May-2011	7-Jun-2011	0.04	30 54	n/a	 54
Remediation/Disposal Permit Costs	264444	1 <u> </u>	:::/::::::::::::::::::::::::::::::::::	0.00	\$7 \$0	1/8	\$0
Other (as needed)	***************************************			0.00	\$0 \$0	n a	\$0 \$0
Notes for DELAYED costs	Estimated cos	t to properly remo required is the inv	ve and dispose vestigation dati	e of all a e and fi	accumulations of s nal date is the clea	ludge in the receiving anup was completed	g stream. Date
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	50	<u>\$0</u>
Personnel			CMC110111111111111111	0.00	\$0	\$0	<u>\$0</u>
pection/Reporting/Sampling			***************************************	0.00	\$0	50	\$0
Supplies/equipment		1		0.00	\$0	\$0	<u>\$0</u>
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	<u> </u>
Other (as needed)		1		10.00	50	\$0	<u></u>
Notes for AVOIDED costs							
	L			*******			
Approx. Cost of Compliance		\$2,000			TOTAL		\$4

Screening Date	414 111 111 111 111 111 111 111 111 111	PCW
Respondent Case ID No.	Robert Jarvis d/b/a Forestaire Estates	Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.		PCW REVISION OCCUDER 30, 2000
Media [Statute]		
Enf. Coordinator		
Violation Number	7	
Rule Cite(s)	TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirement and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d)	nts No. 1
Violation Description	Failed to accurately complete and timely submit the monthly discharge meports ("DMRs") by the 20th day of the following month. Specifically, the the months of June 2010, July 2010, and January 2011 were submitted lat maximum concentration for dissolved oxygen was incorrectly reported on 2011 DMR.	DMRs for e and the
	Base	Penalty \$10,000
>> Environmental, Proper	ry and Human Health Matrix	
	Harm	
Release OR Actuai	Major Moderate Minor	
Potential	Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
	Percent 1%	
Matrix Notes	More than 70% of the rule requirement was met.	
Notes		
	Adjustment	\$9,900
		\$100
Violation Events		
	4 Number of violation of	lays
	daliy weekiy	
	monthly	
mark only one with an x	quarterly Violation Base	Penalty \$400
	semiannual annual annual	
	single event X	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
The state of the s	Four single events are recommended, one for each report.	
Good Faith Efforts to Comp	ly 10.0% Reduction	\$40
,	Before NOV NOV to EDPRP/Settlement Offer	
· ·	Extraordinary	
	Ordinary X N/A (mark with x)	
	Notes The Respondent achieved compliance by July 29, 2011 for this violation.	
	Violation	Subtotal \$360
Economic Benefit (EB) for I	his violation Statutory Limit	Test
	d EB Amount \$7 Violation Final Pena	ity Total \$480
	This violation Final Assessed Penalty (adjusted fo	The second secon
	inia violation i mai nascascu i charty (adjusted to	, , , , , , , , , , , , , , , , , , , ,

011 29-Jul-2011 010 29-Jul-2011 ely complete and ti	0.00 0.00 0.00 0.00 0.00 0.00 0.18 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1/8 0/8	Years of Depreciation 15 EB Amount \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$2
011	0.00 0.00 0.00 0.00 0.00 0.00 0.18 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 1/a 0/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
011	0.00 0.00 0.00 0.00 0.00 0.00 0.18 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 0 0 1/a 0/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$2
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010 29-Jul-2011	0.00 0.00 0.18 0.00 0.00	\$0 \$0 \$2 \$0	n/a n/a n/a	\$0 \$0 \$2
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Compliance History Classification: AVERAGE Rating: 0.93 CN603187402 Robert Javis d/b/a Forestaire Estates Customer/Respondent/Owner-Operator: Classification: AVERAGE Site Rating: 0.83 RN104090998 SRALLA MHP Regulated Entity: REGISTRATION 1011925 PUBLIC WATER SYSTEM/SUPPLY ID Number(s): WQ0014500001 WASTEWATER PERMIT TX0126381 WASTEWATER EPA ID FACILITY IS LOCATED ON THE W SIDE OF SRALLA RD Location: APPROX 1750 FT N OF THE INTERSECTION OF FM 1942 AND SRALLA RD IN HARRIS COUNTY **REGION 12 - HOUSTON** TCEQ Region: Date Compliance History Prepared: July 25, 2011 Agency Decision Requiring Compliance History: Enforcement Compliance Period: July 25, 2006 to July 25, 2011 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Jorge Ibarra, P.E. (817) 588-5890 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes 3. If Yes, who is the current owner/operator? Forestaire Estates Jas M Properties - No. 3, L.L.C. 4. If Yes, who was/were the prior owner(s)/operator(s)? 12/08/2006 5. When did the change(s) in owner or operator occur?

Components (Multimedia) for the Site:

Rating Date: 9/1/2010 Repeat Violator:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

NO

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/09/2006	(484005)
2	01/03/2007	(535133)
3	11/29/2007	(600258)
4.	01/25/2008	(612366)
5	06/18/2008	(638851)
6	06/26/2008	(639760)
7	05/03/2008	(696749)
8	05/03/2008	(696750)
9	05/03/2008	(696751)
10	05/03/2008	(696752)
11	05/03/2008	(696753)

12	05/03/2008	(696754)
13	05/22/2008	(696755)
14	05/03/2008	(696756)
15	06/24/2008	(696757)
16	05/03/2008	(696758)
17	07/22/2008	(696759)
18	05/03/2008	(696760)
19	05/03/2008	(696761)
20	05/03/2008	(696762)
21	05/03/2008	(696763)
22	05/03/2008	(696764)
23	05/03/2008	(696765)
24	12/17/2008	(701506)
25	10/17/2008	(702622)
26	10/02/2008	(718472)
27	11/24/2008	(733707)
28	11/24/2008	(733708)
29	12/22/2008	(733709)
30	12/22/2008	(733710)
31	04/16/2009	(742538)
32	04/13/2009	(756857)
33	04/13/2009	(756858)
34	04/13/2009	(756859)
35	04/28/2009	(773697)
36	05/19/2009	(773698)
37	03/01/2010	(821458)
38	11/23/2009	(821459)
39	11/20/2009	(821460)
40	11/20/2009	(821461)
41	11/20/2009	(821462)
42	11/20/2009	(821463)
43	01/11/2010	(821464)
44	03/01/2010	(821465)
45	03/01/2010	(821466)
46	04/22/2010	(836803)
47	04/22/2010	(836804)
48	06/17/2010	(836805)
49	06/17/2010	(848080)
50	09/01/2010	(858302)
51	09/09/2010	(869143)
52	10/14/2010	(870484)
53	10/06/2010	(876008)
54	10/06/2010	(876009)
55	11/04/2010	(883592)
56	02/18/2011	(885860)
57	11/30/2010	(889969)
58	12/31/2010	(898387)

59	02/07/2011	(904225)
60	04/15/2011	(918383)
61	04/15/2011	(918384)
62	04/20/2011	(931327)
63	07/21/2011	(937428)
64	05/24/2011	(940118)
ices o	f violations (NO	V). (CCEDS Inv. Tr
<u> </u>	00/00/0000	

E. rack. No.) Written noti

> Date: 08/09/2006

(484005)

CN603187402

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Self Report? Citation:

NO

14500-001 PERMIT

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.6(b)(3)

Description:

Failure to properly operate and maintain the chlorine contact basin.

Self Report? NO

Citation: Description: 30 TAC Chapter 317 317.7(f)

Self Report? NO Failure to provide a belt guard for one of the two blowers.

30 TAC Chapter 317 317.7(e)

Citation: Description:

Failure to install an intruder resistant fence around the wastewater treatment plant (WWTP).

Self Report?

NO

14500-001 PERMIT

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to provide a staff gauge to measure the flow at the v-notch weir. Classification:

Self Report? NO

14500-001 PERMIT

Description:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS) as

reported on the discharge monitoring reports (DMRs).

Self Report? Citation:

NO

NO

14500-001 PERMIT

30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)

Description:

Failure to provide calibration records for the chlorine meter, pH meter, and the D.O. meter.

Self Report?

Citation:

14500-001 PERMIT

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to comply with Other Requirement No. 6 in TPDES Permit No. 14500-001 EPA ID No.

TX0126381.

Date:

Citation:

YES

01/31/2007

(696749)

CN603187402

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date:

Citation:

05/31/2007

(696756)

Classification: Moderate

Self Report?

YES

CN603187402

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date:

(612366)

CN603187402

12/21/2007 Self Report?

NO

Classification:

Moderate

Citation:

Description:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)

Self Report?

Failure to provide 1.0 GPM per connection well production.

NO

Classification:

Citation:

30 TAC Chapter 290, SubChapter D 290.46(v)

Description:

Failure to install all water system electrical wiring in compliance with local or national electrical

code.

NO Self Report?

Classification:

Minor

Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description:

Failure to protect the well unit with and intruder-resistant fence with locked gates.

Self Report?

NO

Classification: 30 TAC Chapter 290, SubChapter D 290,45(b)(1)(A)(ii)

Citation: Description:

Failure to meet the pressure tank capacity of 50 gallons per connection.

Date 06/17/2008

CN603187402

Self Report?

NO

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.128

MRR, No. 1, p. 4 PERMIT MRR, No. 10, p. 6 PERMIT

(638851)

Sludge Provisions, Section II (F), p. 22 PERMIT

Description:

Failure to submit the annual FY 07 sludge report and the Discharge Monitoring Reports

(DMRs) since permit activation.

Self Report?

NO

Classification:

Classification:

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements, No. 1, p. 9 PERMIT

Description:

Failed to properly maintain the clarifier and the chlorine contact basin.

Self Report? NO Classification:

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(g)(4)(B)

Description:

Failure to provide at least two operational blowers.

Self Report? NO Classification:

Classification:

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter D 305.63 Permit Conditions, No. 4(c), p. 8 PERMIT

Description:

Citation:

Citation:

Failure to submit the permit renewal application at least 180 days prior to expiration of

the existing permit.

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1)

MRR, No. 3(b), p. 5 PERMIT

Description:

Failure to provide the operator logs.

Self Report?

NO

Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(1) ELMR, No. 2 PERMIT

Description:

Failure to maintain compliance with the permitted effluent limits for total chlorine

residual.

Date 06/25/2008

(639760)

CN603187402

Self Report?

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)

Description:

Failure to provide 1.0 GPM per connection well production.

Self Report? NO Classification:

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

Description:

Citation:

Failure to meet the pressure tank capacity of 50 gallons per connection.

Date 08/28/2008

(701506)

CN603187402

Self Report?

Classification: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)

Description:

Failure to provide 1.0 GPM per connection well production.

NO Self Report?

Classification:

Moderate

Moderate

Citation:

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

Description:

Failure to meet the pressure tank capacity of 50 gallons per connection. (858302)

CN603187402

Moderate

Date 09/03/2010 Self Report?

NO

30 TAC Chapter 290, SubChapter D 290.39(o)(1)

Citation: Description:

Failure to submit an Emergency Preparedness Plan by the required deadline.

Date 02/17/2011

(885860)

CN603187402

Self Report?

Major

Citation:

30 TAC Chapter 290, SubChapter D 290.39(e)(1)(A)

Description:

Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as built" plans and specifications can be prepared and submitted for our review. The submittal must describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance with our regulations.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Texas Commission on Environmental Quality



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
ROBERT JARVIS D/B/A	§	TEXAS COMMISSION ON
FORESTAIRE ESTATES	§	
RN104090998	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1284-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Robert Jarvis d/b/a Forestaire Estates ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located on the west side of Sralla Road approximately 1,750 feet north of the intersection of Farm-to-Market Road 1942 and Sralla Road in Harris County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 26, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Nine Thousand Two Hundred Eighty-Five Dollars (\$9,285) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Two Hundred Eighteen Dollars (\$218) of the administrative penalty and One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seven Thousand Two Hundred Ten Dollars (\$7,210) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Six Dollars (\$206) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By May 27, 2011, replaced a cracked fitting on an air line at the chlorine contact chamber and added chlorine tablets, and returned to compliance with total suspended solids ("TSS") and chlorine residual permitted limits based on the measures taken;
 - b. By June 7, 2011, removed and properly disposed of all accumulations of sludge in the receiving stream;
 - c. By June 15, 2011, replaced the alarm system at the on-site lift station;
 - d. By July 6, 2011, submitted a revised 2010 sludge report to the TCEQ Compliance Monitoring Team; and
 - e. By July 29, 2011:
 - i. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished;

- ii. Pumped the sludge in the chlorine contact basin into the digester and began maintaining sludge at the Facility at a minimum by pumping the sludge twice per week;
- iii. Began maintaining all required records at the Facility; and
- iv. Submitted revised monthly discharge monitoring reports ("DMRs") for the months of June 2010, July 2010, January 2011, and April 2011.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014500001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5), as documented during an investigation conducted on May 25, 2011. Specifically, floating solids and grease balls were being discharged over the clarifier weirs; the chlorine contact basin contained seven inches of sludge in a total water depth of nine feet and floating solids were noted in the chlorine contact basin.
- 2. Failed to submit complete and accurate sludge data, in violation of TPDES Permit No. WQ0014500001, Sludge Provisions and 30 Tex. Admin. Code § 305.125(11)(B) and (C), as documented during an investigation conducted on May 25, 2011. Specifically, the Respondent reported that sludge was disposed of by "other method" between August 2009 and July 2010, however, the sludge disposal records indicated that the sludge was disposed of by "land application".
- 3. Failed to provide the required alarm system, in violation of TPDES Permit No. WQ0014500001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 317.3(e)(5), as documented during an investigation conducted on May 25, 2011. Specifically, the on-site lift station did not have a functional audio/visual alarm.
- 4. Failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30

TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on May 25, 2011. Specifically, grab samples collected during the May 25, 2011 investigation indicated a chlorine residual of 0.0 milligrams per liter ("mg/L") and total suspended solids of 146 mg/L. The permitted limits for minimum chlorine residual single grab samples and for total suspended solids are 1.0 mg/L and 60 mg/L, respectively.

- 5. Failed to maintain records and make them readily available for review upon request by a TCEQ representative, in violation of TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 3 and 30 Tex. ADMIN. CODE §§ 305.125(1) and 319.7(c), as documented during an investigation conducted on May 25, 2011. Specifically, the Quality Assurance/Quality Control records for the contract laboratory and for the chlorine meter were not available for review for the reporting period of April 2010 to April 2011.
- 6. Failed to prevent an unauthorized discharge of sludge from the Facility into or adjacent to water in the state, in violation of TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d., 30 Tex. ADMIN. CODE § 305.125(1), and Tex. WATER CODE § 26.121(a), as documented during an investigation conducted on May 25, 2011. Specifically, during the May 25, 2011 investigation, sludge was noted floating in the receiving stream up to 63 feet upstream and up to 136 feet downstream of the outfall.
- 7. Failed to accurately complete and timely submit the monthly DMRs by the 20th day of the following month, in violation of TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 1 and 30 Tex. ADMIN. CODE §§ 305.125(1) and 319.7(d), as documented during an investigation conducted on May 25, 2011. Specifically, the DMRs for the months of June 2010, July 2010, and January 2011 were submitted late and the maximum concentration for dissolved oxygen was incorrectly reported on the April 2011 DMR.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Robert Jarvis d/b/a Forestaire Estates, Docket No. 2011-1284-MWD-E" to:

Robert Jarvis d/b/a Forestaire Estates DOCKET NO. 2011-1284-MWD-E Page 5

> Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

Robert Jarvis d/b/a Forestaire Estates DOCKET NO. 2011-1284-MWD-E Page 6

7. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Robert Jarvis d/b/a Forestaire Estates DOCKET NO. 2011-1284-MWD-E Page 7

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

20 d. Hyle	1/17/12
For the Executive Director	Date /
agree to the attached Agreed Order on behalf	the attached Agreed Order. I am authorized to of the entity indicated below my signature, and I therein. I further acknowledge that the TCEQ, in naterially relying on such representation.
	h the Ordering Provisions, if any, in this order
and/or failure to timely pay the penalty amoun	
A negative impact on compliance historGreater scrutiny of any permit application	
	General's Office for contempt, injunctive relief,
additional penalties, and/or attorney fee	es, or to a collection agency;
• Increased penalties in any future enforc	ement actions;
Automatic referral to the Attorney Ger and	neral's Office of any future enforcement actions;
 TCEQ seeking other relief as authorized 	by law.
In addition, any falsification of any compliance	documents may result in criminal prosecution.
7) 1111	
Pobert A Garis	11/3/11
Signature /	Date
Robert H. Jarvis	Managing Partner
Name (Printed or typed)	Title
Authorized Representative of	
Robert Jarvis d/b/a Forestaire Estates	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.